

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

NICHOLAS A. BASBANES and NICHOLAS
NGAGOYEANES (professionally known as
Nicholas Gage), individually and on behalf of all
others similarly situated,

Plaintiff

Case Number

vs.

1:24-cv-84

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI GP, L.L.C., OPENAI HOLDINGS, LLC,
OAI CORPORATION, LLC, OPENAI GLOBAL,
LLC, OPENAI, L.L.C., and OPENAI OPCO, LLC,

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Authors Guild, David Baldacci, Mary Bly, Michael Connelly,
Sylvia Day, Jonathan Franzen, John Grisham, Elin Hilderbrand,
Christina Baker Kline, Maya Shanbhag Lang, Victor Lavalle,
George R.R. Martin, Jodi Picoult, Douglas Preston, Roxana
Robinson, George Saunders, Scott Turow, and Rachel Vail,
individually and on behalf of others similarly situated,

Plaintiff

Case Number

vs.

1:23-cv-8292-SHS

OpenAI Inc., OpenAI OpCo LLC, OpenAI GP LLC,
OpenAI LLC, OpenAI Global LLC, OAI Corporation LLC,
OpenAI Holdings LLC, OpenAI Startup Fund I LP,
OpenAI Startup Fund GP I LLC, OpenAI Startup Fund
Management LLC, and Microsoft Corporation

Defendant

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

This class action for copyright infringement against OpenAI was filed on September 19, 2023 on behalf of fiction authors. The complaint alleges that OpenAI committed "flagrant and harmful infringements of Plaintiffs' registered copyrights in written works of fiction." See ECF 1 at 2, 23-cv-08292 (Sept. 19, 2023). A conference was held on November 29, 2023 and Plaintiffs filed an Amended Complaint on December 5, 2023.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

In both suits, the central claims challenge the use of Plaintiffs' copyrighted material to train AI large language models. Both cases name Microsoft Corporation and various OpenAI entities as defendants. The basic legal theories, causes of action, sources of liability, relief requested, basis of jurisdiction, and factual allegations regarding Defendants' conduct advanced in both complaints are also similar. One of the key differences, however, is that the newly filed suit is brought on behalf of writers more broadly, whereas Plaintiffs in the earlier-filed suit are only filing on behalf of those with copyrights in works of fiction.

Signature: /s/ Michael P. Richter

Date: 01/05/2024

Grant Herrmann Schwartz & Klinger LLP

Firm: _____